

# **PHILIPPINES 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Philippines is a multiparty, constitutional republic with a bicameral legislature. President Rodrigo Roa Duterte, elected in May 2016, began his constitutionally limited six-year term in June 2016. Midterm elections in 2019 for 12 (of 24 total) senators, all congressional representatives, and local government leaders were seen as generally free and fair, despite some reports of violence and vote buying. The ruling party and allies won all 12 Senate seats and maintained an approximately two-thirds majority in the 306-seat House of Representatives.

The Philippine National Police is charged with maintaining internal security in most of the country and reports to the Department of the Interior. The Armed Forces of the Philippines (armed forces), which reports to the Department of National Defense, is responsible for external security but also carries out domestic security functions in regions where the government assesses a high incidence of terrorist or separatist insurgent activity, particularly the Mindanao region. The two agencies share responsibility for counterterrorism and counterinsurgency operations. The national police Special Action Force is responsible for urban counterterrorism operations. Governors, mayors, and other local officials have considerable influence over local police units, including appointment of top provincial and municipal police officers and the provision of resources. The government continued to support and arm civilian militias. The armed forces controlled Civilian Armed Force Geographical Units, while Civilian Volunteer Organizations fell under national police command. These paramilitary units often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private armies and, at times, recruited Civilian Volunteer Organization and Civilian Armed Forces Geographical Unit members into those armies. Civilian control over some security forces was not fully effective. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings, by and on behalf of the government and

nonstate actors; reports of forced disappearance by and on behalf of the government and nonstate actors; torture by and on behalf of the government and nonstate actors; harsh and life-threatening prison conditions; arbitrary detention by and on behalf of the government and nonstate actors; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; serious abuses in a conflict, including unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions on free expression and media, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, censorship, and the use of criminal libel laws to punish journalists; high-level and widespread government corruption; serious government restrictions on or harassment of domestic human rights organizations; and threats and violence against labor activists.

The government investigated a limited number of reported human rights abuses, including abuses by its own forces, paramilitary forces, and insurgent and terrorist groups. Concerns about police impunity continued following the increase in killings by police in 2016. Significant concerns also persisted about impunity for other security forces, civilian national and local government officials, and powerful business and commercial figures. Slow judicial processes remained an obstacle to bringing government officials allegedly involved in human rights abuses to justice. Officials frequently engaged in corrupt practices with impunity. Muslim separatists, communist insurgents, and terrorist groups continued to attack government security forces and civilians, causing displacement of civilians and resulting in the deaths of security force members and civilians. Terrorist organizations engaged in kidnappings for ransom, bombings of civilian targets, beheadings, and the use of child soldiers in combat or auxiliary roles. These actions were at times investigated and prosecuted, although there were credible allegations that charges were often leveled for political reasons.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that government security agencies and their informal

allies committed arbitrary or unlawful killings in connection with the government-directed campaign against illegal drugs. Various government bodies conducted a limited number of investigations into whether security force killings were justifiable, such as the national police Internal Affairs Service, the armed forces' Center for Law of Armed Conflict (formerly Human Rights Office), and the National Bureau of Investigation. Impunity remained a problem, however. Killings of activists, judicial officials, local government leaders, and journalists by government allies, antigovernment insurgents, and unknown assailants also continued.

In March, nine human rights activists were killed and six arrested in an operation conducted by security forces in Laguna, Rizal, and Batangas Provinces, dubbed afterwards by the media as "Bloody Sunday." The crackdown happened two days after public remarks by President Duterte encouraged law enforcement authorities to kill communist rebels, saying, "If there's an encounter and you see them armed, kill, kill them, don't mind human rights, I will be the one to go to prison, I don't have qualms." Justice Secretary Menardo Guevarra announced that investigating the operation would be a priority for the government's Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons (also known as the AO35 committee). As of July, however, human rights organizations reported no significant developments in the case and the completion of one crime scene investigation related to the AO35 committee's work.

Law enforcement authorities conducted approximately 20,000 antidrug operations from January to August 1, according to government data. The Philippine Drug Enforcement Agency, one of the lead agencies implementing the government's drug war alongside the Philippine National Police (PNP), reported on the government's official drug war tracker (#RealNumbersPH) 180 suspects killed and 34,507 arrested during drug operations conducted from January to August.

The reported number of extrajudicial killings varied widely, as the government and nongovernmental organizations (NGOs) used different definitions. The Commission on Human Rights (CHR), an independent government agency responsible for investigating possible human rights violations, investigated 100 new complaints of alleged extrajudicial or politically motivated killings as of

August. The cases involved 130 victims and allegedly were perpetrated by 39 PNP and eight Armed Forces of the Philippines (AFP) personnel, five insurgents, three local government officials, and 45 unidentified persons. The commission also investigated 49 specifically drug-related extrajudicial killings with 53 victims, and suspected PNP or Philippine Drug Enforcement Agency involvement in 45 of these new complaints and unidentified persons in four cases.

In July media reported on a study on extrajudicial killings by the Violence, Democracy, and Human Rights in the Philippines project of the University of the Philippines' Third World Studies Center. The study assessed state violence in the country, noting that drug-related killings "remained persistent across the years," with 2016, 2018, and 2021 recognized as the "bloodiest years," averaging two to three persons killed a day. The study also highlighted that drug war hotspots remained consistent: Metro Manila, Bulacan, Rizal, Cavite, Laguna, and Nueva Ecija Provinces. During the year there were notably intensified operations in West Mindanao, particularly in Davao del Sur and South Cotabato Provinces. From January to June, the NGO Children's Legal Rights and Development Center documented 18 deaths of minors in antidrug operations.

Media reported continued attacks on human rights defenders. In July, hours before President Duterte's State of the Nation address, two activists, Marlon Napire and Jaymar Palero, who were spray painting *Duterte Ibagsak* (Oust Duterte) on a bridge in Albay, Bicol Province, were shot and killed by police. Police asserted that Palero, a member of a farmer's organization in Albay, and Napire, a member of human rights organization Karapatan's Bicol chapter, were armed, which led police to shoot them. Karapatan condemned the killing, asserting that the two activists were unarmed and carrying only cans of paint. Witnesses claimed not hearing any gunshots when the police officers left the area with Palero and Napire in custody. Palero's mother questioned police claims of a shootout and, having recovered the body hours later, insisted her son's battered face, removed nails, and gunshot wounds showed signs of torture.

Local and international human rights organizations such as Amnesty International and Human Rights Watch described widespread impunity for killings. There were no prosecutions or convictions for extrajudicial killings in the year to October and three since the start of the drug war in 2016. In June 2020 the Department of

Justice formed a committee to investigate drug-related deaths from police operations. As of October, the committee investigated and established administrative liability in 52 of the 61 cases the PNP opened for the committee's review. The departmental investigation, while being conducted just for show according to many in civil society, released information pushing back against the PNP self-defense narrative, as the early investigation results uncovered incomplete police records and that many victims tested negative for gunpowder residue. The PNP's Internal Affairs Service investigated killings of 463 suspects from 400 antidrug operations from January to July.

Civil society organizations accused police of planting evidence, tampering with crime scenes, unlawfully disposing of the bodies of drug suspects, and other actions to cover up extrajudicial killings. In April, seven police officers from the Valencia City, Bukidnon Province police drug enforcement unit were relieved from duty for allegedly planting evidence on a suspect killed in a buy-bust operation; all were under investigation as of October. The PNP Northern Mindanao Regional Internal Affairs Service also recommended the relief of the Valencia City police chief over the incident. On March 10, a video circulated online showing a man, said to be a police officer, putting a revolver beside a corpse. The Regional Internal Affairs Service stated the person who uploaded the video reported the incident happened on February 20 in Barangay Batangan in Valencia City.

President Duterte continued to maintain lists ("narco-lists") of persons he claimed were suspected drug criminals, including government, police, military, and judicial officials. In June a former Maguindanao town mayor, who was on a government narco-list, was killed after allegedly grabbing his police escort's service firearm while enroute to the Philippine National Police headquarters after his arrest in Batangas City.

## **b. Disappearance**

The armed forces' Center for Law of Armed Conflict, formerly the Human Rights Office but with the same functions, reported no cases of forced disappearance attributed to or implicating the armed forces from January to July. The CHR, however, reported eight persons were victims of abduction and forced disappearance from January to August. Armed forces members perpetrated two of

these cases; communist insurgents, another two; national police members, one; alleged members of the National Bureau of Investigation, one; and those responsible for the remaining cases were unidentified.

In September, Karapatan confirmed the body of farmers' group organizer Elena Tijamo was found in Manila. In June 2020 unidentified individuals in civilian clothing removed Tijamo from her home on Bantayan Island. Tijamo was an executive with an agricultural organization that the military in 2019 had declared to be a front for the Communist Party of the Philippines' New People's Army (NPA). Tijamo's family said they were still able to communicate with her after her abduction and that she said her abductors would release her after the pandemic lockdowns ended.

Kidnappings were common and predominantly for criminal purposes (i.e., ransom); in the past they were carried out for both pro- and antigovernment political motives as well. Terrorist groups were implicated in many Mindanao kidnappings. In July the PNP's Anti-Kidnapping Group reported that seven men, later identified as five policemen and two civilians, kidnapped and burned to death Muslim businesswoman Nadia Casar. Her body was found 11 days after the kidnapping. The involved policemen were dismissed and as of October were in police custody along with one of the civilian suspects. The other civilian remained at large.

The law allows family members of alleged victims of disappearances to compel government agencies to provide statements in court about what they know about the circumstances surrounding a disappearance (or extrajudicial killing) and the victim's status. Evidence of a kidnapping or killing requires the filing of charges, but in many past cases evidence and documentation were unavailable or not collected. Investigative and judicial action on disappearance cases was insufficient.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits torture, and evidence obtained through its use is inadmissible in court. According to the CHR, however, members of the security forces and police

were accused of routinely abusing and sometimes torturing suspects and detainees. Common forms of abuse during arrest and interrogation reportedly included electric shock, cigarette burns, and suffocation.

As of August, the CHR had investigated 21 cases of alleged torture involving 25 victims; it suspected police involvement in 17 of the cases. The NGO Task Force Detainees of the Philippines monitored one torture case as of October, which happened in 2012 but was reported to the task force in early 2021.

In July the CHR investigated the death and alleged torture of Carlo Layaoag, a person with a mental disability who was accused of stealing cable wires in Barangay 3, Coron, Palawan Province. In a video shared by police, two men, one reportedly a town councilor, were seen publicly harassing Layaoag. Another video showed a man trying to use a handsaw to cut Layaoag, who was brought to the police station afterwards. Police noticed Layaoag's condition and took him to the hospital where he died the next day. Torture charges were filed against the town councilor and the others involved after the results of the report were released.

NGOs and media reported local governments and law enforcement authorities used physical and psychological abuse, including shaming, as punishment for community quarantine curfew violators. Under the torture statutes, the public parading or shaming of a person is illegal when used to undermine a person's dignity and morale. In April village officials in General Trias, Cavite Province, detained 28-year-old Darren Penaredondo for curfew violations. According to media reports, Penaredondo and others were taken to the local municipal plaza by police, made to do 100 push-ups, and then forced to repeat the exercise because they were not in sync, ultimately completing 300 repetitions. Penaredondo then reportedly struggled to walk home, where he lost consciousness and died hours later.

Reports of rape and sexual abuse of women in police or protective custody continued. On April 5, authorities accused 11 Cebu City police officers of robbery, extortion, and the rape of two women detained separately at the Cebu City police station for alleged possession of firearms and illegal drugs. One woman claimed that the officers searched her house without a warrant, took her belongings and, after not finding any firearms, arrested her, and brought her into a secret room,

instead of a detention cell. She was later forced by one of the police officers, Staff Sergeant Celso Colita, to withdraw money. Colita took the cash from her and allegedly brought her to a motel where she was raped. The second woman claimed she was physically tortured by officers who attempted to submerge her head in a pail of water to force her to confess where she kept her “drug money.” The PNP Central Visayas Unit and the CHR began investigating the complaints, and the police station chief was relieved from duty. On April 19, however, the woman allegedly raped by Sergeant Colita was shot and killed. The CHR Central Visayas office revealed she had been receiving threats from Colita. Police stated Colita took his own life while being questioned about the complainant’s death.

Impunity was a significant problem in the security forces, particularly in the PNP. Human rights groups continued to express concern about abuses committed by the national police and other security forces and noted little progress in reforms aimed at improving investigations and prosecutions of suspected human rights violations. The AFP’s Center for Law of Armed Conflict reported that, from January to October, no member of the military was under investigation for alleged extrajudicial killings, forced disappearances, or other rights abuses.

In April the Office of the Ombudsman cleared officers from the Manila Police District’s Raxabago Station 1 of involvement in a 2017 incident in which 12 individuals were found detained in a secret cell hidden behind a bookshelf, citing “not enough proof of bad faith.” The CHR insisted, however, that the Manila police clearly violated human rights standards, as well as the PNP mandate to “serve and protect,” and characterized the decision as a setback in the efforts to stop police abuse and improve accountability.

Human rights groups continued to express concern about the contribution of corruption to abuses committed by the PNP and other security forces and noted little progress in implementing and enforcing reforms aimed at improving investigations and prosecutions of suspected human rights violations.

The national police’s institutional deficiencies and the public perception that corruption in the police was endemic continued. The PNP’s Internal Affairs Service remained largely ineffective. The PNP, however, reported that its internal cleansing program led to 166 persons facing disciplinary sanctions between March



and August; 75 of the 166 were dismissed from service, 48 penalized with one rank demotion, and 43 suspended.

In October the Quezon City Regional Trial Court acquitted 19 police officers, led by Police Superintendent Marvin Marcos, allegedly involved in the 2016 killing of former Albura, Leyte, mayor Roland Espinosa while the mayor was in police custody. Media and other observers widely criticized the decision as unjust and corrupt. The 19 officers were charged with killing Espinosa in his cell after President Duterte tagged him as a drug criminal along with many other government, police, and judicial officials. Marcos, the former chief of the PNP's Criminal Investigation and Detection Group Region 8, was promoted to chief of the 12th Region group 15 months after the Espinosa killing.

To try to ensure dismissed personnel would not be rehired, in August, PNP chief Eleazar ordered the Directorate for Personnel and Records Management to create a database of officers removed from service and that all appeals filed by dismissed personnel be immediately resolved. The PNP's Counter-Intelligence Task Force also monitored police personnel suspected of illegal activities.

Efforts continued to reform and professionalize the national police through improved training, expanded community outreach, and salary increases. Human rights modules were included in all PNP career courses, and the police Human Rights Affairs Office conducted routine training nationwide on human rights responsibilities in policing. Several NGOs suggested that national police training courses should have a follow-up mechanism to determine the effectiveness of each session.

The military routinely provided human rights training to its members, augmented by training from the CHR. Successful completion of these courses is required to complete basic training and for induction, promotion, reassignment, and selection for foreign schooling opportunities. According to the AFP's Center for Law of Armed Conflict, internal human rights training was conducted from the general headquarters level down to battalion units, totaling hundreds of training exercises annually. From January to August, various military service units conducted human rights-related training programs, seminars, or workshops with the CHR, the International Committee of the Red Cross, and other NGOs.

The Congressional Commission on Appointments determines whether senior military officers selected for promotion have a history of human rights violations and solicits input from the CHR and other agencies through background investigations. The congressional commission may withhold a promotion indefinitely if it uncovers a record of abuses. Violations, however, do not preclude promotion.

Witnesses to abuses were often unable to obtain protection. The CHR operated a small witness protection program that was overburdened by witnesses to killings in the drug war. The loss of family income due to the relocation of a family member was also, in some cases, a barrier to witnesses' testimony. The Office of the Ombudsman also reported that witnesses often failed to come forward or to cooperate in police abuse or corruption cases. This problem sometimes followed pressure on witnesses and their families or arose from an expectation of compensation for their cooperation.

According to the *Conduct in UN Field Missions* online portal, as of September the government continued to investigate two cases of child rape involving Philippine peacekeepers in Liberia in 2017 and Haiti in 2020.

### **Prison and Detention Center Conditions**

Prison conditions were often harsh and life-threatening and included gross overcrowding, inadequate sanitary conditions, physical abuse, and a chronic lack of resources including medical care and food.

NGOs reported abuse by prison guards and other inmates was common, but they stated that prisoners, fearing retaliation, generally declined to lodge formal complaints.

Gang activity was rampant in most prisons. Domestic and foreign media reports suggested that, given inadequate staffing levels, gangs effectively served as the de facto sources of discipline and many services. Violence between gangs and individual members of different gangs was common.

**Physical Conditions:** The Bureau of Corrections, under the Department of Justice, administered seven prisons and penal farms nationwide for individuals

sentenced to prison terms exceeding three years. Bureau of Corrections facilities operated at four times their operating capacity of 11,981, holding 48,337 prisoners.

The Bureau of Jail Management and Penology, under the Department of the Interior and Local Government and the PNP, controlled 470 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The bureau reported its jails operated at 397 percent over designated capacity as of July. The Dasmaringas City jail for men in Cavite Province was one of the most congested jails in the country; with an official capacity of 53 inmates, as of July it held 1,191 detainees. The Commission on Audit annual report for 2020, released in September, noted that jail congestion remained the biggest problem in the justice system and highlighted the most overcrowded Bureau of Jail Management and Penology (BJMP) detention centers: those in Zamboanga Peninsula (921 percent over capacity) and Metro Manila (745 percent). The audit commission noted that although the total jail population decreased from 2018 to 2019, the congestion rate only decreased by 1 percent, possibly attributable to the temporary closure of various jail facilities nationwide for reconstruction or redevelopment.

Persistent congestion resulted in health and sanitation problems among inmates. Overcrowding in detention facilities contributed to the continued spread of COVID-19 among inmates. From January to July, the BJMP reported 20 COVID-19-related deaths while the Bureau of Corrections reported 32 confirmed and suspected COVID-19-related inmate deaths. COVID-19 vaccines were made available to inmates in Bureau of Corrections and BJMP facilities.

Prison authorities did not uniformly enforce regulations that require holding male and female inmates in separate facilities and, in national prisons, overseeing them with guards of the same sex. In some facilities authorities did not fully segregate juveniles from adults. The prison services reported insufficient custodial and escort personnel, especially in large jails, with a national average of approximately 55 prisoners assigned to each custodial staff member. In larger prisons the ratio was higher; for example, in the New Bilibid Prison, one prison guard oversaw 135 prisoners.

Opportunities for prisoner recreation, education, and self-improvement were rare.

Poor sanitation, inadequate ventilation, poor access to natural lighting, and a lack of potable water were chronic problems in detention and correctional facilities and contributed to health problems. From January to July, the prison services reported 1,045 total inmate deaths. There were some reported deaths of high-profile prisoners due to COVID-19, most notably of two witnesses against Senator Leila de Lima (see section 1.e., Political Prisoners and Detainees).

Prison authorities reported that most deaths resulted from illness. Authorities provided Bureau of Corrections inmates with medical care; however, some medical services and treatments were not available. In such cases authorities referred inmates to an outside hospital. Inmates received a medicine allowance of 15 pesos (\$0.30) per day.

Juveniles younger than 18 were typically released by court order or following a petition by the Public Attorney's Office, the inmate's private lawyer, or through NGO-led appeals. As of July juveniles made up less than 1 percent of the prison population.

The law exempts minors from criminal liability. Drug syndicates often used minors as runners, traffickers, cultivators, or drug den employees. Rescued minors are turned over to the custody of the Department of Social Welfare and Development (social welfare department). Police stations had youth relations officers to attempt to ensure that authorities treated minor suspects appropriately, but in some cases they ignored procedural safeguards, and facilities were not child friendly. The law mandates that the social welfare department provide shelter, treatment, and rehabilitation services to these children. The Juvenile Justice and Welfare Council, an agency supervised by the Department of Justice, reported conditions in its rehabilitation centers (called *Bahay Pag-asa* or Houses of Hope) were worse than in jails, citing the lack of furniture such as beds and cabinets in some centers. There were 85 Bahay Pag-asa centers in the country, 82 run by local government units and three by NGOs. Additionally, several local governments established and managed youth centers that provided protection, care, training, and rehabilitation for these children and other at-risk youth.

**Administration:** Prisoners, their families, and lawyers may submit complaints to constitutionally established independent government agencies, and the CHR

referred complaints it received to the appropriate agency.

Prison services suspended visits since March 2020 due to the COVID-19 pandemic. Previously, however, authorities generally allowed prisoners and detainees to receive visitors, but local NGOs reported that authorities periodically restricted family visits for some detainees accused of insurgency-related crimes. Prison officials noted that security concerns and space limitations at times also restricted prisoner access to visitors.

Muslim officials reported that while Muslim detainees could observe their religion, Roman Catholic mass was often broadcast by loudspeaker to prison populations of both Roman Catholic and non-Roman Catholic prisoners and detainees.

**Independent Monitoring:** Authorities permitted international monitoring groups, including the International Committee of the Red Cross, and other civil society groups, such as the Philippine Center for Investigative Journalism, free and timely access to jails and prisons. The constitution grants the CHR authority to visit jails, prisons, or detention facilities to monitor the government's compliance with international treaty obligations. The commission continued its jail visitation program throughout the year but with additional pandemic-related restrictions and protocols required by jail management, such as wearing personal protective equipment and presenting a negative RT-PCR COVID-19 test. Some jails in areas under certain community quarantine classifications also allowed virtual jail visitation.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention in court; however, the government and its agents frequently disregarded these requirements. As of August the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, did not receive any complaints of arbitrary detention committed by law enforcement agencies or the armed forces.

## **Arrest Procedures and Treatment of Detainees**

Warrants based on sufficient evidence and issued by an authorized official are required for an arrest unless the suspect is observed attempting to commit, in the act of committing, or just after committing an offense; there is probable cause based on personal knowledge that the suspect just committed an offense; or the suspect is an escaped prisoner. When one of the above criteria is met and an arrest takes place without a warrant, the court subpoenas the suspect allowing for a preliminary investigation. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, depending on the seriousness of the crime. In terrorism cases the law permits warrantless arrests and detention without charges for up to 24 days.

Detainees have the right to bail, except when held for capital offenses or those punishable by a life sentence. The bail system largely functioned as intended, and suspects were allowed to appeal a judge's decision to deny bail. The law provides an accused or detained person the right to choose a lawyer and, if the suspect cannot afford one, to have the state provide one. An underresourced Public Attorney's Office, however, limited access of indigent persons to public defenders.

**Arbitrary Arrest:** Security forces continued to detain individuals, including juveniles, arbitrarily and without warrants on charges other than terrorism, especially in areas of armed conflict.

As of August the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, had not received any complaints of arbitrary detention committed by law enforcement agencies or the armed forces. There were, however, numerous credible allegations of arbitrary arrests and detentions by security forces. The NGO Center for Trade Union and Human Rights documented the illegal arrest of seven labor union leaders from January to July.

In March the center recorded the illegal arrest of the leader of the farmers' group Alyansa ng Magbubukid ng Gitnang (Central) Luzon, Joseph Canlas, after a raid conducted by the PNP and its Criminal Investigation and Detection Group in Central Luzon for alleged possession of firearms and explosives. Canlas, who died

of COVID-19 at the detention cell in May, was previously “red-tagged” (the act of labelling, branding, naming, and accusing individuals or organizations of being left-leaning, subversives, communists, or terrorists that is used as a strategy by state agents against those perceived to be ‘threats’ or ‘enemies of the State’) for allegedly recruiting members of the NPA.

Ethnic Lumad (an indigenous group in Mindanao) activist and Karapatan paralegal officer Renalyn Tejero was, with 32 others in the Caraga region, red-tagged in November 2020 by a group calling itself the Movement Against Terrorism. Authorities arrested Tejero on March 21 on charges of murder and attempted murder. Activist groups stressed Tejero was targeted for trumped up charges due to her affiliation with the Karapatan organization, an NGO focused on human rights defense.

In July the Supreme Court barred the Manila and Quezon City courts from authorizing search warrants in other localities following complaints by several human rights groups of abuse, mass arrests, and killings of activists. These groups called these warrants “death warrants” and asserted they resulted in the nine deaths in the March 7 “Bloody Sunday” killings.

The CHR investigated 40 alleged illegal detention cases involving 62 victims from January to August, of which 33 were perpetrated by the PNP, one by the AFP, three by local government officials, and three by unidentified persons.

**Pretrial Detention:** Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. Approximately 98 percent of prisoners in BJMP facilities were pretrial detainees; the balance were convicted criminals serving less than three-year sentences. Pending cases were not evenly distributed among the courts, which resulted in some severely overburdened courts. Large jails employed paralegals to monitor inmates’ cases, prevent detention beyond the maximum sentence, and assist with decongestion efforts. The BJMP helped expedite court cases to promote speedy disposition of inmates’ cases. Through this program authorities released 39,112 inmates from BJMP jails from January to July. Nonetheless, pretrial detention more than the possible maximum sentence was common, often extending over many years.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; although the government generally respected judicial independence, pressure, threats, and intimidation directed at the judiciary from various sources were reported by NGOs. In July the Integrated Bar of the Philippines condemned attacks on lawyers in the Duterte administration. Six lawyers were killed in the year to July; there have been few indictments for these killings.

Media reported a March request by the Calbayog City, Samar Province, police that the Calbayog Regional Trial Court provide it with a list of lawyers representing persons affiliated with the communist party. The request raised concerns among human rights groups such as the National Union of People's Lawyers that, if granted, it would facilitate attacks on human rights lawyers.

Corruption through nepotism, personal connections, and bribery continued to result in relative impunity for wealthy or influential offenders. Insufficient personnel, inefficient processes, and long procedural delays also hindered the judicial system. These factors contributed to widespread skepticism that the criminal justice system delivered due process and equal justice.

Trials took place as a series of separate hearings, often months apart, as witnesses and court time became available, contributing to lengthy delays. There was a widely recognized need for more prosecutors, judges, and courtrooms. As of June 2020, approximately one-third of authorized bench positions (563 positions) were unfilled. Sharia court positions continued to be particularly difficult to fill because applicants must be members of both the Sharia Bar and the Integrated Bar. The 56 authorized district and circuit sharia courts do not have criminal jurisdiction. Training for sharia court prosecutors was brief and considered inadequate.

### **Trial Procedures**

The constitution provides for the right to a speedy, impartial, and public trial. Trials were generally public, but not timely, and judicial impartiality was widely questioned. The law requires that all persons accused of crimes be informed of the charges against them and grants rights to counsel, adequate time to prepare a defense, and a speedy and public trial before a judge. No criminal proceeding goes



forward against a defendant without the presence of a lawyer. The law presumes defendants are innocent. They have the right to confront witnesses against them, be present at their trial, present evidence in their favor, appeal convictions, and not be compelled to testify or confess guilt. The court may appoint an interpreter for free if necessary. If the court's interpreter makes serious mistakes, a party may challenge the interpretation. The government generally implemented these requirements, except for the right to a speedy trial.

Although the law provides that cases should be resolved within three months to two years, depending on the court, trials effectively had no time limits. Government officials estimated it took an average of five to six years to obtain a decision.

Authorities respected a defendant's right to representation by a lawyer, but poverty often inhibited access to effective legal counsel. The Public Attorney's Office, which reports to the Department of Justice, did not have the necessary resources to fulfill its constitutional mandate and used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During pretrial hearings courts may appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused.

Sentencing decisions were not always consistent with legal guidelines, and judicial decisions sometimes appeared arbitrary.

### **Political Prisoners and Detainees**

Under the law, the government defines political prisoners as those who may be accused of any crime against national security. Using this definition, the Bureau of Corrections reported 146 political prisoners as of August. This included persons in maximum-, medium-, and minimum-security prisons and self-identified political prisoners in Davao, which alone held most political prisoners. The BJMP does not track political prisoners and defines prisoners based only on security risk.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. The Task Force Detainees of the Philippines tracked what it defined, based on motivation but excluding persons guilty of or charged with crimes against persons or property, as political prisoners and detainees, most

of whom were in pretrial detention. From January to July, the task force recorded 76 political prisoners and 294 political detainees. The task force noted that in most cases, authorities mixed political prisoners with the general inmate population, except in the New Bilibid Prison, where they held most political prisoners in maximum-security facilities.

Four years after her arrest, opposition senator Leila de Lima remained in police detention on a charge of conspiracy to commit drug trading. Prosecutors used a variety of legal tactics to delay arraignment, including filing new and amending previous charges. In August, one of her accusers, a convicted drug lord named Vicente Sy, died in prison, reportedly of COVID-19. De Lima's camp noted, however, that when Sy testified in court in 2020 he recanted his earlier testimony, saying he never met or gave money to de Lima. The prosecution subsequently filed charges against de Lima for contempt of court after she made statements about the case in public. In July 2020 officials reported that de Lima accuser Jaybee Sebastian, a prison gang leader, died of COVID-19. De Lima's case began in 2016 after she opened Senate hearings into killings related to the drug war. Although detained, de Lima had access to media and some visitors before the onset of the COVID-19 pandemic. Her case attracted widespread domestic and international attention, with many observers denouncing the charges as politically motivated.

The government permitted regular access to political prisoners by international humanitarian organizations.

### **Civil Judicial Procedures and Remedies**

Most analysts regarded the judiciary as independent in civil matters. Complainants have access to local trial courts to seek civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints, although overburdened local courts often dismissed these cases. No regional human rights tribunals could hear an appeal from the country. Civil cases are subject to the same delays and corruption as criminal proceedings.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home,**

## or Correspondence

The government generally respected citizens' privacy, although leaders of communist and leftist organizations and rural-based NGOs complained of routine surveillance and harassment. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued. Judges generally declared evidence obtained illegally to be inadmissible.

## g. Conflict-related Abuses

For decades the country has contended with armed Muslim separatist movements represented by groups such as the Moro Islamic Liberation Front and the Moro National Liberation Front; a communist insurgency supported by a nationwide NPA presence; and violence by smaller transnational terrorist organizations, such as ISIS-East Asia, the Abu Sayyaf Group, Maute Group, Bangsamoro Islamic Freedom Fighters (hereafter Bangsamoro Front), and other terrorist groups and criminal syndicates. Additionally, interclan *rido* (feuds) violence continued in Mindanao, causing civilian deaths and displacement. Government agencies, often with support from UN agencies and other international donors, assisted those displaced by internal conflict (see section 2.e.). The AFP's Center for Law of Armed Conflict reported that 166 international humanitarian law violations by communist terrorist groups were endorsed to the AO35 committee for further investigation from January to June.

**Killings:** Armed clashes between government and insurgent, separatist, and terrorist forces frequently led to deaths on both sides. For example on August 20, security forces clashed with members of the NPA. Two rebels and one soldier died. One of the rebels killed was Kerima Tariman, a poet, activist, and former managing editor of the official student publication of the University of the Philippines. In another case on August 26, NPA rebels killed two unarmed Civilian Armed Force Geographical Unit Active Auxiliary members in San Isidro, Northern Samar. The two were on their way to a military Community Support Program activity conducting development social work for villagers.

NGOs sometimes linked the killing of activists to counterinsurgency operations by

government security forces, particularly the military (see section 6, Indigenous Peoples). The NGO Front Line Defenders documented 25 killings of human rights defenders in 2020, of whom 21 were environmental, land, and indigenous peoples' rights activists.

The NPA, ISIS-East Asia, Abu Sayaf Group, Maute Group, Ansar al-Khalifa, Bangsamoro Front, and other violent extremist groups used roadside bombs, ambushes, suicide bombings, and other means to kill political figures and other civilians, including persons suspected of being military and police informers. On September 18, alleged Bangsamoro Islamic Freedom Fighters terrorists wounded eight persons when an improvised bomb exploded in a town plaza in Datu Piang, Maguindanao. Datu Piang mayor Victor Samama told the press he was convinced the bombing was perpetrated by the same Bangsamoro Front members who stormed the town in December 2020 and burned a police car while firing at the police station.

**Abductions:** Armed criminal and terrorist groups kidnapped civilians for ransom. The NPA and some separatist groups were also responsible for kidnappings. Authorities reportedly facilitated ransom payments on behalf of victims' families and employers through unofficial channels. The security forces at times attempted to rescue victims. From January to August, the AFP's Center for Law of Armed Conflict recorded three cases of hostages by terrorist organizations involving four civilians, with two of the cases filed at the courts. Three Indonesian fishermen were kidnapped by the Abu Sayaf Group on the border with Malaysia and taken to Sulu Province. The PNP rescued the victims and arrested one of the captors when their boat capsized as they were fleeing a government rescue operation.

**Physical Abuse, Punishment, and Torture:** Leftist and human rights activists reported abuse of detained insurgents, separatists, and terrorists by police and prison officials. In March the Communist Party of the Philippines accused state forces of torturing and killing former NPA leader Antonio Cabanatan and his wife Florenda Yap, who were abducted in Oton town, Iloilo Province, in December 2020, the 52nd anniversary of the NPA's founding. Cabanatan, along with Communist Party of the Philippines founder Jose Maria Sison, were the two remaining names on a Department of Justice list of 600 individuals it intended to designate as terrorists, but which was eventually trimmed down to the two.

Activists Randy Malayao, Randy Echanis, and Zara Alvarez, all on the original list of 600, were killed in 2019-20.

Multiple sources reported the NPA sought to intimidate government officials and attacked or threatened businesses, power stations, farms, and private communication facilities to enforce collection of extortion payments, or so-called revolutionary taxes.

**Child Soldiers:** The use of child soldiers, particularly by terrorist and antigovernment organizations, remained a problem, especially in some parts of Mindanao affected by low-level violence. In the year to July, the national police's Women and Children Protection Center rescued seven child soldiers from armed antigovernment groups. The AFP's Center for Law of Armed Conflict recorded 10 children used as soldiers by communist terrorist groups from January to June. There was no evidence of use or recruitment of child soldiers by government units. During the year the UN Office of the Special Representative of the Secretary General for Children and Armed Conflict verified the recruitment and use of 12 children by armed groups, including Abu Sayyaf, the Bangsamoro Front, and the NPA. UNICEF monitored the recruitment and use of children in armed conflicts and the release of child soldiers. Government reporting mechanisms on child soldiers provided inconsistent data across agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scale. The NPA continued to claim it did not recruit children as combatants but admitted that it recruited, trained, and used them for noncombat purposes, such as cooking.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution explicitly provides for freedom of expression, including for members of the press and other media, and the government sometimes respected this right. Threats and actions by government, allied groups, and powerful

individuals against journalists, media organizations, government critics, and others continued.

**Freedom of Expression:** On the surface individuals could criticize the government publicly or privately and discuss matters of general public interest. Observers and NGOs, however, stated that President Duterte's public tirades against individuals, organizations, and international bodies who criticized his policies continued to have a chilling effect on free speech and expression. A Social Weather Stations survey released in March noted that six in 10 Filipinos agreed that it is "dangerous to print or broadcast anything critical" of the administration "even if it is the truth."

NGOs and opposition lawmakers also continued to express concern that recent legislation, such as the Anti-Terrorism Act and The Bayanihan "To Heal As One" Act (both enacted in 2020), could be used to suppress speech using broad provisions against inciting terrorism and spreading false information, respectively. In May several media organizations signed a joint statement saying the Anti-Terrorism Act will "reduce this country to a field of submissive and unquestioning individuals, to be herded like sheep by the police and military."

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Media generally remained free, active, and able to voice criticism of the government, despite the chilling effect caused by pressure on specific major media organizations.

Two media entities continued to face what appeared to many as politically motivated restrictions and legal challenges: online news website Rappler and broadcast giant ABS-CBN. President Duterte publicly called out both organizations for alleged wrongdoings: Rappler for its supposed reporting bias and foreign ownership and ABS-CBN for alleged crimes, including failure to show Duterte's political advertisements during the 2016 presidential election, violations of labor laws, unpaid taxes, foreign ownership, and financial irregularities.

Many observers believed government pressure on Rappler, including legal and administrative actions, was in response to Rappler's critical coverage of the government. Its Chief Executive Officer Maria Ressa and other staff were

subjected to at least 11 cases and complaints since Duterte came into office. The administration also issued at least 10 arrest warrants against her in the last two years. In March she took the witness stand for the first time on tax evasion charges. Three libel cases against Rappler were dropped in the year to October.

In May, ABS-CBN marked the first anniversary of the shutdown of its broadcast operations following the nonrenewal of its broadcast franchise and a cease-and-desist order from the National Telecommunications Commission halting its operations. The network was forced to close regional stations across the country that offered independent information to human rights activists and communities. Center for Media Freedom and Responsibility Executive Director Melinda De Jesus called it “an unprecedented act of state power which struck at the core of the media system ..., leaving the community shaken by the experience.” “If this can happen to ABS-CBN, then it can happen to any of the others,” she said. Calling it a “contagion,” De Jesus noted that Duterte’s “animosity toward the free press spread among government officials at all levels, who adopted the president’s own bullying stance, initiating an array of actions against the press.”

France-based Reporters Without Borders included Duterte in its “Press Freedom Predators” list and declared, “local media quickly became collateral victims of his brutal methods, which tolerate no criticism or even nuanced coverage of his policies.”

**Violence and Harassment:** Journalists continued to face harassment and threats of violence, including from individual politicians, government authorities, and powerful private persons critical of their reporting.

According to Freedom House, “impunity remains the norm for violent crimes against activists and journalists” in the country. On July 22, radio commentator Renante Cortes was shot and killed outside his station in Cebu, an incident which police stated was most likely because of his “hard-hitting commentaries.”

In December 2020 authorities arrested *Manila Today* editor Lady Ann Salem and six others for illegal possession of firearms and explosives. In February a court dismissed the case and voided the search warrant. *Manila Today* was among media entities red-tagged by the administration.

Also in February retired general Antonio Parlade, Jr. attacked *Inquirer.net* journalist Tetch Torres-Tupas for her story about efforts by imprisoned activists' from the indigenous Aetas community on Luzon to join in a case against the Anti-Terrorism Act at the Supreme Court. In their petition, the Aetas prisoners alleged that members of the military tortured them for six days. Parlade, in a Facebook post, said Torres-Tupas could be "aiding terrorism by spreading lies" and that her story could be grounds for a case against her. Reporters covering the justice beat condemned Parlade's threat and called it "utterly unacceptable."

The Center for Media Freedom and Responsibility stated that red-tagging "endangers victims, including journalists, of being hauled to court on trumped up charges." It noted that of the 51 cases of intimidation from June 2016 to April 2021, 30 were incidents of red-tagging. It added that at least five incidents of surveillance were recorded, which includes police visits and vehicle tailing.

The International Center for Journalists stated Duterte's verbal attacks against female journalists, particularly Rappler chief executive Maria Ressa, created an environment that encouraged online attacks against them, including death and rape threats and misogynistic abuse.

In the provinces local media also faced unique challenges. In February, Visayas-based radio station Baskog Radyo sought an injunction against the Capiz provincial government's order to demolish its broadcast antenna. Station manager Jay Layapie said the order was clearly "intimidation, muzzling of speech, and the suppression of media from fulfilling their duty and public service" due to the station's critical reporting on alleged corruption in the province.

**Censorship or Content Restrictions:** News organizations generally were spared official censorship attempts, but journalists and media watchdogs noted several instances of alleged government interference, with the pandemic also limiting media's access to reliable information.

Reporters Without Borders stated that along with online harassment campaigns, cyberattacks were launched against the National Union of Journalists of the Philippines and alternative news sites "in order to block them." Sweden-based digital forensics group Quirium Media Foundation revealed in June that it recorded



“brief but frequent denial attacks” by the government against alternative news organizations Bulatlat and Altermidya. Bulatlat declared it was not surprised by the results but was “angered that taxpayer money is being spent to bring down our website and to deny our readers access to our reportage.”

In April the Presidential Communications Operations Office admitted it directed all state-run media to portray the country as “faring better than many countries in addressing the pandemic.” In August the private national newspaper *Daily Tribune* signed an agreement with the government information agency to disseminate “accurate, timely, and relevant information to the public.”

**Libel/Slander Laws:** Laws stipulate criminal penalties for libel, which authorities have used to harass, intimidate, and retaliate against journalists.

The National Union of Journalists called for the decriminalization of libel, saying the law “creates a chilling effect discouraging journalists to report truthful, relevant, and critical information.”

## **Internet Freedom**

Except for mobile communications blocked during special events for security purposes, the government did not restrict or disrupt access to the internet. While the government did not overtly censor online content, there was pushback against the efforts of social media platforms such as Facebook to remove false or incendiary posts and deny access to malicious users.

Two lawmakers, representatives Michael Defensor and Bernadette Herrera, questioned Facebook’s efforts to block suspected troll farms that were supposedly spreading disinformation. Herrera said Facebook’s removal of content “tends to undermine the freedom of expression that is guaranteed under the Philippine Constitution.” Defensor said, “considering Facebook’s huge influence in our country’s moral, political, national security, and also in securing private corporate interests, there is a need to clarify its information censorship methods.”

The clamor to investigate Facebook came after the Reuters Institute for the Study of Journalism’s 2021 *Digital News Report* revealed that almost nine in 10 Filipinos relied on online platforms as their source of news during the COVID-19 pandemic.

Facebook was the top source of news in the study and also the key source of online misinformation.

### **Academic Freedom and Cultural Events**

There were no national government restrictions on academic freedom or cultural events; however, the government kept some schools for indigenous Lumad people in Mindanao closed (see section 6, Indigenous Peoples).

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. The government, however, continued to restrict peaceful assembly in response to COVID-19 public-health concerns. Observers alleged that the government invoked public-health concerns for political purposes, that is, to limit the ability of activists to assemble.

#### **Freedom of Peaceful Assembly**

Under Enhanced Community Quarantine rules, mass gatherings (more than 10 persons) were prohibited. Modified Enhanced Community Quarantine rules permitted gatherings of between 10 and 30 percent of the seating capacity in religious venues.

On May 1, police arrested 34 individuals from different workers' groups who were on their way to join a Labor Day protest in Cebu City and charged them with violating social distancing protocols. A Partido Manggagawa-Cebu spokesperson stated, "the government is using COVID-19 as an alibi to suppress the right to peaceful assembly of workers...." All 34 arrested individuals were released in the afternoon after the labor groups paid 500 pesos (\$10) fines for each worker.

On July 26, approximately 2,750 protesters gathered in Quezon City at a rally held by different progressive groups to protest the state of the nation address. Police allegedly detained some of the protesters; activist groups claimed afterwards that the detentions violated their right to assemble.

In Naga City the same day, various groups marched along Magsaysay Avenue to Plaza Rizal after police barred the organizers from holding a protest at Naga City

Police Substation 2. Despite earlier promises of “maximum tolerance” for demonstrators, the Bulacan chapter of the group Partido Manggagawa reported its members were detained in North Caloocan for alleged violations of social distancing protocols while on their way to the assembly. According to the group, its placards and banners were confiscated by police, who claimed to be acting on instruction from the National Task Force to End Local Communist Armed Conflict.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government imposed graduated quarantine measures restricting movement in response to the COVID-19 pandemic.

**In-country Movement:** Public health restrictions on movement varied from place to place depending on the scale of the COVID-19 threat. The restrictions often prohibited individuals from using certain types of public transportation or traveling outside their homes except to perform necessary activities, such as purchasing food or seeking medical care. There were credible allegations (see sections 1.a. and 1.c.) that some police reacted abusively to violations of COVID-19 movement restrictions.

**Foreign Travel:** Government limits on foreign travel were generally based on security or personal safety factors, such as when a citizen had a pending court case, or to discourage travel by vulnerable workers to countries where they could face personal security risks, including trafficking or other exploitation. The Philippine Overseas Employment Administration manages departures for work abroad. It requires overseas workers to register and receive predeparture screening, training, and certification before traveling, and seeks to ensure that future overseas workers deal with legitimate, licensed recruitment agencies.

## **e. Status and Treatment of Internally Displaced Persons**

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters have generated significant internal displacement. The number of internally displaced persons (IDPs) was uncertain and fluctuated widely. Counterinsurgency campaigns against the Abu Sayyaf Group, primarily in Sulu and Basilan Provinces, and clashes with the NPA, concentrated in the most geographically remote provinces, caused sporadic and small-scale displacement. Most IDPs were women and children.

In Mindanao the Office of the UN High Commissioner for Refugees (UNHCR) reported that as of June, more than 135,900 persons were displaced and in need of durable solutions, most in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). Of those, 114,156 were displaced by armed conflict, 14,949 by natural disasters, 4,077 by crime or violence, and 2,718 by clan feuds.

Government agencies, often with support from UN agencies and other international donors, provided food (although NGOs noted food aid was sometimes delayed); constructed shelters and public infrastructure; repaired schools; built sanitation facilities; offered immunization, health, and social services; and provided cash assistance and skills training for IDPs. The government permitted humanitarian organizations access to IDP sites. Security forces sometimes carried out military operations near IDP sites, increasing the risk of casualties and damage and restricting freedom of movement. Impoverished IDPs were highly susceptible to human trafficking networks.

At times the government encouraged IDPs to return home, but they were often reluctant to do so for security or welfare reasons.

## **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees or asylum seekers, and other persons of concern. As of June, UNHCR reported 811 recognized refugees in the country.

**Access to Asylum:** No comprehensive legislation provides for granting refugee

status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit determines which applicants qualify as refugees in accordance with an established, accessible system that appeared to provide basic due process. From January to June, the Refugee and Stateless Persons Protection Unit received 120 applications for recognition as a refugee, five of which were granted.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government by secret ballot in free and fair periodic elections based on universal and equal suffrage. Candidates, including for the presidency, frequently had their legal right to run for office challenged by political opponents based on alleged criminal history, citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court. Political candidates were allowed to substitute placeholders for themselves if unable to complete the registration process on time.

#### **Elections and Political Participation**

**Recent Elections:** The country conducted nationwide midterm elections in 2019 for national and local officials. International and national observers viewed the elections as well organized and generally free and fair, but they noted vote buying continued to be widespread and that dynastic political families continued to monopolize elective offices. The PNP reported 60 incidents of election-related violence that led to 23 killings in the month leading up to the election and a 55 percent drop in violent incidents on election day compared with the 2016 national elections. Election officials described the polls as relatively peaceful. International Alert, however, reported 144 election-related incidents in the BARMM alone, mostly fistfights and small-scale bombings. President Duterte's release of his "narco-list" ahead of the 2019 midterms as a tool to defeat opposition candidates was of uncertain effect, as the Philippine Drug Enforcement Agency confirmed that 25 of 46 politicians on it won in the midterm polls.

In 2019 President Duterte signed into law a bill postponing the next barangay and youth council elections, previously scheduled for 2021, to December 2022 to align the schedule with barangay elections.

There was concern that COVID-19 restrictions were preventing millions of potential voters from registering for the May 2022 national elections. Lawmakers compelled the extension of voter registration by one month. An August 2020 Commission on Elections resolution stated that voter registration cannot reopen in areas under the highest levels of COVID-19-related quarantine or lockdown.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority and historically marginalized groups in the political process, and they did participate. At the national level, women constituted nearly 30 percent of the legislature. Participation by these groups did not change significantly compared with previous elections.

Men dominated the political scene, although the number of women holding elected positions in government rose after the 2019 elections. Media commentators expressed concern that political dynasties limited opportunities for female candidates not connected to political families.

There were no Muslim or indigenous Senate members, but there were 11 Muslim members of the House of Representatives, mostly from Muslim-majority provinces, and at least three members of indigenous descent. Muslims, indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area.

The law provides for a party-list system, designed to ensure the representation of marginalized and underrepresented sectors of society, for 20 percent of the seats in the House of Representatives.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by public officials, but the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Prolonged delays in the justice system reinforced the perception of impunity for the security forces and for national, provincial, and local government actors accused of corruption and human rights abuses.

**Corruption:** To combat corruption, the constitution established the independent Office of the Ombudsman, an appellate-level anticorruption court, and the Commission on Audit. All three organizations were consistently allocated budgets below what they requested, but they actively collaborated with the public and civil society and appeared to operate independently and use their limited resources effectively. Despite government efforts to file charges and obtain convictions in many cases, officials continued to engage in corrupt practices with relative impunity.

Between January and July, the Office of the Ombudsman won 125 convictions in 235 corruption cases. The total number of cases in this period dropped by more than 50 percent from the previous year, and the conviction rate decreased to 53 percent from 69 percent in the same period in 2020.

In the state of the nation address, President Duterte declared he had fired 43 Bureau of Immigration officials over an alleged corruption scam that permitted thousands of Chinese nationals to enter the country illegally in 2020 to work in the online gaming industry. On July 28, however, Justice Department secretary Menardo Guevara told media the “fired” officials had returned to work after a six-month suspension without pay, although they had not yet been given assignments pending conclusion of departmental investigations into their cases. Criminal charges against the officials were reportedly still pending in the Office of the Ombudsman as of October.

The Senate opened an investigation in September into government-procured COVID-19 personal protective equipment from a small manufacturer owned by a friend and previous economic advisor to President Duterte. The firm allegedly received a disproportionate number of the contracts. Duterte barred his cabinet members from attending Senate hearings related to the probe.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government

officials were under pressure not to cooperate with or respond to the views of international human rights organizations. Local human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from areas in which incidents under investigation occurred. Leftist and human rights activists continued to report harassment by local security forces, including abuse of detainees by police and prison officials.

**The United Nations or Other International Bodies:** On September 15, the International Criminal Court's pretrial chamber approved prosecutor Fatou Bensouda's application to open an investigation into the situation in the Philippines. The investigation will analyze killings in Davao City and incidents related to the drug war from November 1, 2011, to March 16, 2019. Asked if the president would allow International Criminal Court investigators access to the country, presidential spokesperson Harry Roque stated the president would continue to assert national sovereignty "and independence from foreign interference."

**Government Human Rights Bodies:** The CHR's constitutional mandate is to protect and promote human rights; investigate all human rights violations, including those reported by NGOs; and monitor government compliance with international human rights treaty obligations. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with commission regional offices. Although the legislature slightly increased the commission's budget for the fiscal year, despite the executive's past efforts to reduce it, the commission nonetheless lacked sufficient resources to investigate and follow up on all cases presented to its regional and subregional offices. The commission's budget for its witness protection program decreased in the year to 14.9 million pesos (\$298,000) from 21 million pesos (\$420,000) in each of the prior three years.

The Office of the Ombudsman is an independent agency that responds to complaints about public officials and employees. It has the authority to make administrative rulings and seek prosecutions.

The Presidential Human Rights Committee serves as a multiagency coordinating body on human rights problems. The committee's responsibilities include



compiling the government's submission for the UN Universal Periodic Review. Many NGOs considered it independent but with limited ability to influence human rights policy. The committee also chairs the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons, also known as the AO35 committee. This body determines the appropriate mechanisms to resolve cases of political violence. It inventories all cases of extrajudicial killings, enforced disappearances, torture, and other grave violations and classifies cases as unresolved, under investigation, under preliminary investigation, or under trial. Committee undersecretary Severo Catura also serves as one of the eight spokespersons of the government's National Task Force to End Local Communist Armed Conflict.

The Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged human rights violations in the BARMM.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction may also result in a lifetime ban from political office. The law applies to both men and women. Penalties for forcible sexual assault range from six to 12 years' imprisonment. The law criminalizes physical, sexual, and psychological harm or abuse to women (and children) committed by spouses, partners, or parents. Penalties depend on the severity of the crime and may include imprisonment or significant fines.

Difficulty in obtaining rape convictions impeded effective enforcement on rape cases. NGOs noted that in smaller localities perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the national police. As of August the PNP's Women and Children Protection Center recorded 4,424 cases of rape during the year, a slight increase

from the number recorded during the same period of 2020, involving female and child victims. Of these, 2,202 were referred to prosecutors, 952 were filed in court, 1,252 remained under investigation, and 74 were referred to another agency. As of July the Bureau of Corrections had 7,958 inmates convicted of rape.

Domestic violence against women remained a serious and widespread problem. According to the national police, reported acts of domestic violence against women decreased from 7,093 in January to July 2020 versus 5,282 for the same period during the year. Local and international organizations observed an alarming rise of cases of abuse against women and children during the community quarantine.

NGOs reported that cultural and social stigma deterred many women from reporting rape or domestic violence. NGOs and media reported that rape and sexual abuse of women in police or protective custody continued. In August a new police officer and a local official were accused of sexually molesting and raping a 19-year-old female quarantine violator who was accosted at a quarantine control point in Mariveles, Bataan Province. The woman was taken to the police officer's boarding house and reportedly raped.

The PNP and the Social Welfare Department both maintained help desks to assist survivors of violence against women and to encourage reporting. The national police's Women and Children Protection Center also operated a national hotline for reports of violence against women and children. In addition the social welfare department operated residential centers and community-based programs to assist women and children who were victims of rape, domestic violence, and other abuse. By the end of the second quarter, the department reported it had assisted 41 women and girls who were specifically victims of sexual abuse, of whom 27 were raped. With the assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. The national police maintained a women and children's unit in approximately 1,784 police stations throughout the country with 1,905 help desks to deal with abuse cases. The PNP assigned 4,882 officers to the desks nationwide, almost 98 percent of them women. The law provides 10 days of paid leave for domestic violence victims.

**Sexual Harassment:** The law prohibits sexual harassment, and violations are

punishable by imprisonment from one to six months, a moderate fine, or both. Sexual harassment remained widespread and underreported, including in the workplace, due to victims' fear of losing their jobs.

Relevant law is intended to prevent and punish acts of sexual harassment in public places, online workplaces, and educational institutions. Despite the president's support for a law preventing sexual harassment, local organizations observed that on multiple occasions Duterte's rhetoric promoted violence against women.

In a July 17 Facebook post and official statement, the Center for Women's Resources group criticized an official at the Department of Interior and Local Government's Emergency Operations Command for allegedly harassing and mistreating women related to victims of the government's drug war during a July 16 protest at the department. The center urged the department and other concerned government agencies to act against the official for violating the Safe Spaces Act.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Although the law requires that women in non-life-threatening situations secure spousal consent to obtain reproductive health care, the Supreme Court has ruled that the constitution upholds the basic right of couples and individuals to decide freely the number, spacing, and timing of their children and to have the information and means to do so, free from discrimination, coercion, and violence.

Although the law provides for universal access to methods of contraception, sexual education, and maternal care, it also allows health practitioners to deny reproductive health services based on their personal or religious beliefs in nonemergency situations; requires spousal consent for women in non-life-threatening situations to obtain reproductive health care; requires minors in non-life-threatening situations to get parental consent before obtaining reproductive health care; and does not require private health-care facilities to provide access to family-planning methods.

Provision of health-care services is the responsibility of local governments, and disruptions in the supply chain, including procurement, allocation, and distribution of contraceptives, reduced their availability to the poor, although modern forms of

contraception were available on the market in most areas.

The government provided access to sexual and reproductive health services for survivors of sexual violence and protection for rape victims, including emergency contraception.

According to the 2020 UN *Human Development Report*, the maternal mortality ratio was 121 per 100,000 live births, and skilled attendants participated in 84 percent of births. The Philippine Commission on Population and Development attributed the increase in maternal deaths to mothers not getting optimal care in hospitals and other birthing facilities during the pandemic. The UN Population Fund reported, based on its 2016 analysis of maternal death review, that poverty, remote locations, and a lack of education exacerbated delays in seeking potentially life-saving maternal medical care; that midwives at times had little formal training; and that medical personnel routinely mistreated and denied proper care to women who sought assistance for complications from unsafe abortions.

The World Bank reported in 2019 that the adolescent birth rate was 55 per 1,000 for women between ages 15 and 19. A June 25 executive order implementing measures to address the rise in adolescent pregnancy noted, “girls already living in dysfunctional homes spend more time with their households as a result of the COVID-19 pandemic and are thereby more exposed to abuse.” International media and women’s health NGOs cited limited access to adequate sex education and contraceptives as a driving factor of adolescent births. Experts estimated the pandemic lockdowns will cause more than five million women in the country to lose access to reproductive health care. The University of the Philippines and the UN Population Fund warned of a “baby boom” resulting from this loss of access to health care.

In 2019 the UN Population Fund stated that reaching displaced pregnant women to provide critical health services in conflict and crisis-affected areas, particularly Mindanao, was a challenge.

**Discrimination:** In law although not always in practice, women have most of the rights and protections accorded to men, and the law seeks to eliminate discrimination against women. The law accords women the same property rights

as men. In Muslim and indigenous communities, however, property ownership law or tradition grants men more property rights than women.

No law mandates nondiscrimination based on gender in hiring, although the law prohibits discrimination in employment based on sex. Nonetheless, women continued to face discrimination on the job as well as in hiring.

The law does not provide for divorce. Legal annulments and separation are possible, and courts generally recognized divorces obtained in other countries if one of the parties was a foreigner. These options, however, were costly, complex, and not readily available to the poor. The Office of the Solicitor General is required to oppose requests for annulment under the constitution. Informal separation was common but brought with it potential legal and financial problems. Muslims have the right to divorce under Muslim family law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law provides for the protection of every Filipino and prohibits discrimination of individuals based on ethnicity, race, and religion or belief; however, the government stated in its July report to the UN Committee on Elimination of Racial Discrimination that there is no formal, legal definition of racial discrimination in the country, resulting in little to no reporting of such cases.

## **Indigenous Peoples**

Although no laws discriminate against indigenous peoples, cultural bias and the geographical remoteness of the areas many inhabit prevented their full integration into society. Indigenous children often suffered from lack of health care, education, and other basic services. The law requires that indigenous peoples be represented in policy-making bodies and local legislative councils, but the rate of compliance with the law was unknown. Indigenous leaders observed that the selection process for mandatory indigenous representatives was frequently ignored or rejected by local governments and politicians.

Lumad (a group of indigenous ethnic communities in Mindanao) schools and students were subject to red-tagging, often resulting in raids by the security forces, illegal arrests, and forced closure of community schools. In February police raided

the University of San Carlos's Talamaban campus in Cebu City, calling the raid a rescue operation, and arrested 26 Lumad students and teachers. The university had provided refuge to the students after they were evacuated from their residences due to armed conflict.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect indigenous peoples. It has authority to award certificates identifying "ancestral domain lands" based on communal ownership, thereby stopping tribal leaders from selling the land. Indigenous rights activist groups criticized the indigenous peoples' commission, noting that it approved projects on ancestral lands without the free, prior, and informed consent required by law.

Armed groups frequently recruited from indigenous populations. Indigenous peoples' lands were also often the site of armed encounters related to resource extraction or intertribal disputes, which sometimes resulted in displacement or killings.

In June an unarmed group of six members of the Manobo tribe in Surigao del Sur, including a 12-year-old girl, were fired on by soldiers, allegedly without any provocation or warning. Three of the group – a man, woman, and 12-year-old girl – died. The military claimed they were pursuing the group, which it asserted were members of the NPA, when they opened fire on the soldiers, precipitating a 10-minute firefight.

On December 31, 2020, nine leaders of the Tumandok community on Panay Island were killed in an operation by security forces. The Tumandok leaders had led a campaign to oppose the construction of the nearby Jalaur Dam because of its impact on the community's ancestral lands. On December 11, the National Task Force to End Local Communist Armed Conflict had red-tagged those killed, along with 18 other Tumandok persons who were arrested as alleged members of the NPA.

## **Children**

**Birth Registration:** Citizenship derives from birth to a citizen parent and, in certain circumstances, from birth within the country's territory to alien parents.

The government promoted birth registration, and authorities immediately registered births in health facilities. Births outside of facilities were less likely to be registered promptly, if at all. The lack of a birth certificate does not generally result in denial of education or other services, but it may cause delays in some circumstances, for example if a minor becomes involved in the court system.

**Education:** Education is free and compulsory through age 18, but the quality of education was often poor and access difficult, especially in rural areas where substandard infrastructure makes traveling to school challenging. In-person school has remained closed for two academic years due to COVID-19. Most students, however, had access to education, either in virtual form, through curricular modules delivered to students, or by other means.

Supplemental costs for supplies or uniforms can be a barrier to students from poor families. The Department of Education continued to prioritize improving resources at and access to the most isolated schools, to include increasing the budget during the year for schools in the BARMM, the region with the lowest rate of school attendance. According to the World Economic Forum's *Global Gender Gap Report*, the primary school enrollment rate for girls was equal to the rate for boys, while the rate for girls was significantly higher than the rate for boys in secondary and tertiary schools. Although boys and girls participated in education at equal rates, in an April statement the Civil Society for Education Reforms Network noted that gender sensitive curricula and learning materials remained the exception in schools. The network also stated that gender insensitivity among staff and students contributed to school violence.

**Child Abuse:** Child abuse remained a problem. In October the Department of Justice decided to pursue sexual abuse charges against a foreign national after the 16-year-old victim dropped out of the case as complainant. As of November, the foreign national was undergoing deportation proceedings and was detained at the Bureau of Immigration because he could not post bail. He allegedly met the victim online, supplied her with drugs, had sex with her, and recorded the victim having sex with another man. Through the second quarter of the year, the social welfare department served 1,550 children in centers and residential care facilities nationwide, a small fraction of those in need. Several cities ran crisis centers for abused women and children.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage for both sexes is 18 years; anyone younger than 21 must have parental consent. Under Muslim personal law, Muslim boys may marry at 15, and girls may marry when they reach puberty (no age is specified). The law was generally followed and enforced, but there are no legal penalties for forced and child marriage. While recent data were unavailable, observers believed forced and early marriage remained a problem. For example, records from sharia district courts showed some Muslim girls were married as young as age seven. Advocacy groups pushed for specific legislation banning child and forced marriage.

**Sexual Exploitation of Children:** The law prohibits commercial exploitation of children and child pornography and defines purchasing commercial sex acts from a child as a trafficking offense. The statutory rape law criminalizes sex with minors younger than 12 and sex with a child younger than 18 involving force, threat, or intimidation. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. The production, possession, and distribution of child pornography are illegal, and penalties range from one month to life in prison, plus significant fines, depending on the gravity of the offense. Several human rights groups pushed for an increase in the age of consent (12 as of year's end), one of the lowest in the world. The government made efforts to address these crimes and collaborated with foreign law enforcement authorities, NGOs, and international organizations.

Inadequate prosecutorial resources and capacity to analyze computer evidence were among the challenges to effective enforcement. Despite the penalties and enforcement efforts, law enforcement agencies and NGOs agreed that criminals and family members continued to use minors in the production of pornography and in cybersex activities.

Children continued to be victims of sex trafficking, and the country remained a destination for foreign and domestic child sex tourists. Additionally live internet broadcasts of young girls, boys, and sibling groups performing sex acts for paying foreigners continued. Children's vulnerability to online sexual exploitation increased during the pandemic as children were forced to stay home and families' incomes often fell. The government continued to prosecute accused pedophiles, deport those who were foreigners, and bar the entry of identified convicted sex



offenders. To reduce retraumatizing child victims and to spare children from having to testify, the government increased its use of plea agreements in online child sexual exploitation cases, which significantly reduced the case disposition time. From January to August, the PNP and its partners, through the Philippine Internet Crimes Against Children Center, rescued 131 children, arrested 16 perpetrators, and conducted 49 online child sexual exploitation operations.

The National Bureau of Investigation and the PNP worked closely with the Department of Labor to target and close establishments suspected of sex trafficking of minors. From January to July, the Department of Labor's Bureau of Working Conditions recorded four establishments that employed 24 minors; after being given an opportunity to correct the problem, the establishments complied with the standards and so were not closed.

**Displaced Children:** While there were no recent, reliable data, involved agencies and organizations agreed there were hundreds of thousands of street children in the country. The problem was endemic nationwide and encompassed local children and the children of IDPs, asylum seekers, and refugees. Many street children were involved in begging, garbage scavenging, and petty crime.

Service agencies, including the social welfare department, provided residential and community-based services to thousands of street children nationwide, including in a limited number of residential facilities and the growing Comprehensive Program for Street Children, Street Families, and Indigenous Peoples. This program included activity centers, education and livelihood aid, and community service programs.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

An estimated 2,000 persons of Jewish heritage, almost all foreign nationals, lived in the country. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law aims to provide affordable and accessible mental health services and provide for equal access for persons with disabilities to all public buildings and establishments.

The National Council for Disability Affairs formulated policies and coordinated government agency rehabilitation, self-development, and self-reliance activities to promote inclusion of persons with disabilities in the mainstream of society. From January to July, the council registered 12 complaints and allegations of abuse and discrimination: three allegations of workplace discrimination; four of ridicule and vilification on social media; two of violations of data privacy; and others of alleged physical abuse and intimidation. The complaints were referred to the appropriate agencies for investigation and provision of necessary assistance.

The law was not effectively enforced, and many barriers remained for persons with disabilities. Disability advocates contended that equal access laws were ineffective due to weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. The great majority of public buildings remained inaccessible to persons with physical disabilities. Many schools had architectural barriers that made attendance difficult for persons with physical disabilities. Government efforts to improve access to transportation for persons with disabilities were limited.

Persons with disabilities continued to face discrimination and other challenges in finding employment (see section 7.d.).

Some children with disabilities attended schools in mainstream or inclusive educational settings. The Department of Education's 648 special education programs did not provide nationwide coverage, and the government lacked a clear system for informing parents of children with disabilities of their educational rights

and did not have a well defined procedure for reporting discrimination in education.

From January to August, the social welfare department provided services to 1,512 persons with disabilities in assisted living centers and community-based vocational centers nationwide, a small fraction of the population in need. If a person with disabilities experienced violence, access to after-care services might be available through the social welfare department, crisis centers, and NGOs. Sixty percent of local government units had a persons with disabilities office to assist in accessing services including health, rehabilitation, and education.

The constitution provides for the right of persons with physical disabilities to vote. The Commission on Elections determines the capacity of persons with mental and intellectual disabilities to vote during the registration process, and citizens may appeal exclusions (and inclusions) in court. The law requires the establishment of accessible voting centers exclusively for persons with disabilities and senior citizens.

## **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV or AIDS, including in access to basic health and social services. Nevertheless, there was evidence of discrimination against HIV/AIDS patients in the government's provision of health care, housing, employment, and insurance services. Men who have sex with men were banned indefinitely from donating blood.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

National laws neither criminalize consensual same-sex sexual conduct among adults nor prohibit discrimination based on sexual orientation and gender identity. Outright International, a lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) NGO, estimated 29 cities, provinces, barangays, and municipalities had enacted a version of an antidiscrimination ordinance that protects LGBTQI+ rights.

Officials prohibit transgender individuals from obtaining passports that reflect their

gender identity. Authorities print the gender at birth, as reported on the birth certificate, in the individual's passport, which posed difficulty for transgender persons seeking to travel, such as instances of transgender individuals being denied boarding on aircraft.

NGOs reported incidents of discrimination and abuse against LGBTQI+ persons, including in employment, education, health care, housing, and social services. On May 18, three men allegedly killed transgender man Ebeng Mayor after raping and physically abusing her. The three reportedly knew Mayor and spent the evening at a bar with her. The alleged killers were arrested on May 22 and faced rape and murder charges. In June a Cotabato City local radio station reported through a social media post, which was later deleted, that residents of Ampatuan town in the BARMM forcibly shaved the heads of neighbors said to be members of the LGBTQI+ community. The alleged perpetrators justified the deed, claiming that "being gay or lesbian is against Islam." Mindanao LGBTQI+ groups and human rights groups condemned the action, declaring that religion does not justify bigotry.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of certain workers, except for the military, police, short-term contract employees, and some foreign workers, to form and join independent unions, bargain collectively, and conduct strikes; it prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. The law, however, places several restrictions on these rights. Threats and violence against trade union leaders continued.

Laws and regulations provide for the right to organize and bargain collectively in both the private sector and corporations owned or controlled by the government. The law prohibits organizing by foreign national or migrant workers unless a reciprocity agreement exists with the workers' countries of origin specifying that migrant workers from the Philippines are permitted to organize unions there. The law also bars temporary or outsourced workers and workers without employment contracts from joining a union. The law requires the participation of 20 percent of the employees in the bargaining unit where the union seeks to operate; the

International Labor Organization (ILO) called this requirement excessive.

The law subjects all labor and employment disputes to mandatory mediation-conciliation for one month. The Department of Labor provides mediation services through a board, which settles most unfair labor practice disputes. Through the National Conciliation and Mediation Board, the department also works to improve the functioning of labor-management councils in companies with unions.

If mediation fails, the union may issue a strike notice. Strikes or lockouts must be related to acts of unfair labor practice, a gross violation of collective bargaining laws, or a collective bargaining deadlock. The law provides for a maximum prison sentence of three years for participation in an illegal strike, although there has never been such a conviction. The law also permits employers to dismiss union officers who knowingly participate in an illegal strike.

For a private-sector strike to be legal, unions must provide advance strike notice (30 days for collective bargaining matters and 15 days for unfair labor practice matters), respect mandatory cooling-off periods, and obtain approval from a majority of members. The Department of Labor and Employment's National Conciliation and Mediation Board reported 351 mediation-conciliation cases from January to July. Of these, 271 cases were filed under preventive mediation and 80 under notices of strike or lockout. The National Conciliation and Mediation Board attributed the 76 percent increase of filed cases to the relaxing of COVID-19 protocols during the year, which increased workforce activity compared with the same period in 2020.

The law prohibits government workers from joining strikes under the threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes. Government workers may also assemble and express their grievances on the work premises during nonworking hours.

The secretary of the Department of Labor and in certain cases the president may intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determines that the strike-affected company is vital to the national interest. Essential sectors include hospitals, the electric power industry, water

supply services (excluding small bottle suppliers), air traffic control, and other activities or industries as recommended by the National Tripartite Industrial Peace Council. Labor rights advocates continued to criticize the government for maintaining definitions of essential services that were broader than international standards.

In most cases the government respected freedom of association and collective bargaining and made some efforts to enforce laws protecting these rights. The Department of Labor has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission's labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate the worker and report compliance to it. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial commission, as they may constitute possible unfair labor practices. If there is a definite preliminary finding that a termination may cause a serious labor dispute or mass layoff, the labor secretary may suspend the termination and restore the status quo pending resolution of the case.

Penalties under the law for violations of freedom of association or collective bargaining laws were generally not commensurate with similar crimes. Antiunion discrimination, especially in hiring, is an unfair labor practice and may carry criminal or civil penalties that were not commensurate with analogous crimes, although generally civil penalties were favored over criminal penalties.

Administrative and judicial procedures were subject to lengthy delays and appeals.

The tripartite industrial peace council serves as the main consultative and advisory mechanism on labor and employment for organized labor, employers, and government on the formulation and implementation of labor and employment policies. It also acts as the central entity for monitoring recommendations and ratifications of ILO conventions. The Department of Labor, through the industrial peace council, is responsible for coordinating the investigation, prosecution, and resolution of cases alleging violence and harassment of labor leaders and trade union activists pending before the ILO.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining. Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign national workers, to minimize unionization and avoid other rights accorded to “regular” workers. The nongovernmental Center for Trade Union and Human Rights contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contract labor provisions by rehiring employees shortly after the expiration of the previous contract. The Department of Labor reported multiple cases of workers alleging employers refused to bargain.

Unions continued to claim that local political leaders and officials who governed the Special Economic Zones explicitly attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. Unions also claimed the government stationed security forces near industrial areas or Special Economic Zones to intimidate workers attempting to organize and alleged that companies in the zones used frivolous lawsuits to harass union leaders. Local zone directors claimed exclusive authority to conduct their own inspections as part of the zones’ privileges intended by the legislature. Employers controlled hiring through special zone labor centers. For these reasons, and in part due to organizers’ restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the Special Economic Zones. The Department of Labor does not have data on compliance with labor standards in the zones.

Threats and violence against union members continued. In March the Department of Interior and Local Government ordered its regional offices to compile lists of employees who belong to two trade unions, the Confederation for Unity Recognition and Advancement of Government Employees, the Alliance of Concerned Teachers, and the union of Philippine Senate employees. The department alleged that these were affiliated with the Communist Party.

On March 7, “Bloody Sunday” (see section 1.a.), among those whom police shot and killed was human rights and labor activist Manny Asuncion, shot outside the Workers’ Assistance Center office in Cavite. A former factory worker, Asuncion had advocated for increases in the minimum wage. On March 28, the president of

the trade union at an electronics manufacturing company in Cavite and vice-chairperson of a regional labor federation, Dandy Miguel, was shot eight times by an unidentified assailant shortly after leaving work wearing a union T-shirt reading “fight for wages, work, rights.” Similar attacks on nine other activists occurred within a month of Miguel’s killing.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Although legal penalties were commensurate with similar crimes, the government did not effectively enforce the law.

The government continued awareness-raising activities, especially in the provinces, to prevent forced labor. The Department of Labor’s efforts included an orientation program for recruits for commercial fishing vessels, who were among the workers most vulnerable to forced labor conditions.

Reports of forced labor by adults and children continued, mainly in fishing and other maritime industries, small-scale factories, gold mines, domestic service, agriculture, and other areas of the informal sector (see section 7.c.). According to NGOs and survivors, unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic service, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries. Trade unions reported that continued poor compliance with the law was due in part to the government’s lack of capacity to inspect labor practices in the informal economy.

There were reports some persons who voluntarily surrendered to police and local government units in the antidrug campaign were forced to do manual labor or other activities that could amount to forced labor without charge, trial, or finding of guilt under law. Inmates were only allowed to perform manual labor within prisons at the inmates’ request.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.



### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employing children younger than age 15, including for domestic service, except under the direct and sole responsibility of parents or guardians, and sets the maximum number of working hours for them at four hours per day and no more than 20 hours per week. The law also prohibits all the worst forms of child labor.

Children between 15 and 17 are limited to eight working hours per day, up to a maximum of 40 hours per week. The law forbids the employment of persons younger than 18 in hazardous work. The minimum age for work is lower than the compulsory education age, enticing some children to leave school before the completion of their compulsory education.

The government did not effectively enforce the law. Although the government imposed fines and instituted criminal prosecutions for child labor law violations in the formal sector, for example in manufacturing, it did not do so effectively or consistently. Fines for child labor law violations were not commensurate with analogous crimes.

From January to July, the Department of Labor, through its *Sagip Batang Manggagawa* (Rescue Child Laborers) program, conducted nine operations and removed 18 minors from hazardous and exploitative working conditions. As of July the department issued a temporary closure order on a construction business for violating child labor laws, rescuing six minors. Operations under the Sagip Batang Manggagawa program were conducted in karaoke bars, massage parlors, saunas, bathhouses, and farms to target child labor and were in addition to the standard labor inspection process. They were unable to search private homes for underage workers employed for domestic work or in home-based businesses.

The government, in coordination with domestic NGOs and international organizations, continued to implement programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. The Department of Labor continued efforts to reduce the worst forms of child labor and to remove children from hazardous work under the Convergence Program. Inspections as of October found four establishments employing 24

minors. All four establishments were found to have violated the Anti-Child Labor Law and were immediately corrected.

Despite these efforts, child labor remained a widespread problem. Cases reported to the Department of Labor focused on domestic service and the agricultural sector, notably in the fishing, palm oil, and sugar cane industries. Most child labor occurred in the informal economy, often in family settings. Child workers in those sectors and in activities such as gold mining, manufacturing (including of fireworks), domestic service, drug trafficking, and garbage scavenging faced exposure to hazardous working environments.

NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation.

Online sexual exploitation of children and child soldiering also continued to be a problem (see sections 6 and 1.g., respectively).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation based on age; sex; race; creed; disability; HIV, tuberculosis, or hepatitis B status; or marital status. The law does not prohibit employment discrimination with respect to religion, color, political opinion, national origin or citizenship, language, sexual orientation, gender identity, other communicable disease status, or social origin. While some local antidiscrimination ordinances exist at the municipal or city levels that prohibit employment discrimination against lesbian, gay, bisexual, and transgender – but not intersex – persons, there was no prohibition against such discrimination in national legislation. The law requires most government agencies and government-owned corporations to reserve 1 percent of their positions for persons with disabilities; government agencies engaged in social development must reserve 5 percent. The law commits the government to provide “sheltered employment” to persons with disabilities in segregated workshops and facilities. The Department of Labor’s Bureau of Local Employment maintained registers of persons with disabilities that indicated their skills and abilities and promoted the

establishment of cooperatives and self-employment projects for such persons.

Persons with disabilities nonetheless experienced discrimination in hiring and employment. The Department of Labor estimated that 10 percent of employable persons with disabilities were able to find work. Between January and July, no cases were known to be filed to enforce the disability discrimination law. The government did not effectively monitor laws prohibiting employment discrimination or promoting the employment of persons with disabilities. Penalties were commensurate with other crimes. The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights.

Discrimination in employment and occupation against LGBTQI+ persons occurred; several LGBTQI+ organizations submitted anecdotal reports of discriminatory practices that affected the employment of LGBTQI+ persons. Discrimination cases included the enforcement of rules, policies, and regulations that disadvantaged LGBTQI+ persons in the workplace.

Women faced discrimination both in hiring and on the job. Some labor unions claimed female employees suffered punitive action when they became pregnant. Although women faced workplace discrimination, they occupied positions at all levels of the workforce.

Women and men were subject to systematic age discrimination, most notably in hiring.

## **e. Acceptable Conditions of Work**

**Wage and Hour:** Official minimum wages were below the poverty line. By law the standard workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight hour per day limit. The law mandates one day of rest each week. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days, 130 percent on special nonworking days, and 200 percent on regular holidays. There is no legal limit on the number of overtime hours that an employer may require.

The wage and hour law did not cover many workers, since wage boards exempted certain employers such as distressed establishments, new business enterprises, retail and service establishments with fewer than 10 employees and establishments affected by natural calamities.

Domestic workers worked under a separate wage and benefit system that lays out minimum wage requirements, significantly lower than regular minimum wage requirements, and payments into social welfare programs, and mandates one day off a week. While there were no reliable recent data, informed observers believed two million or more persons were employed as domestic workers, with nearly 85 percent being women or girls, some as young as age 15.

Penalties for noncompliance with minimum wage rates are modest fines, imprisonment of one to two years, or both. In addition to fines, the government used administrative procedures and moral persuasion to encourage employers to rectify violations voluntarily. The penalties were commensurate with similar crimes.

The government did not effectively enforce minimum wage laws. Violations of minimum wage standards were common. Many firms hired employees for less than minimum wage apprentice rates, even if there was no approved training in their work. Complaints about payment below the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the Special Economic Zones.

**Occupational Safety and Health:** The law provides for a comprehensive set of appropriate occupational safety and health standards. Regulations for small-scale mining, for example, prohibit certain harmful practices, including the use of mercury and underwater, or compressor, mining. The law provides for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment.

The Department of Labor's Bureau of Working Conditions monitors and inspects compliance with wage, hour, and occupational safety and health laws in all sectors, including workers in the formal and informal sectors, and nontraditional laborers. It also inspects Special Economic Zones and businesses located there. The number

of labor inspectors who monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages, was insufficient for the workforce of 42 million, particularly in rural areas. The Department of Labor prioritized increasing the number of inspectors while acknowledging that insufficient inspection funds continued to impede its ability to investigate labor law violations effectively, especially in the informal sector and in small- and medium-sized enterprises.

The Department of Labor continued to implement its Labor Laws Compliance System for the private sector. The system included joint assessments, compliance visits, and occupational safety and health investigations. Department of Labor inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted unannounced compliance visits and occupational safety and health standards investigations. The Department of Labor and the ILO also continued to implement an information management system to capture and transmit data from the field in real time using mobile technology. Violations from January to July dropped significantly from the same period in 2020 because of COVID-19 quarantine restrictions.

Following a deficiency finding, the Department of Labor may issue compliance orders that may include a fine or, if the deficiency poses a grave and imminent danger to workers, suspend operations. Penalties were commensurate with those for similar crimes. The Department of Labor's Bureau of Working Conditions did not close any establishments during the year. Such closures require prior notification and hearings.

During the year various labor groups criticized the government's enforcement efforts, in particular the Department of Labor's lax monitoring of occupational safety and health standards in workplaces. Between January and July, the Bureau of Working Conditions recorded 84 work-related accidents that caused 64 deaths and 43 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

A Labor Department order sets guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the order for not restricting forms of regular, short-term temporary contractual work and subcontracting, which

they reported can be used to undermine worker protections.

There were also gaps in the law, and the government enforced contracting and occupational safety and health laws inconsistently. Media reported, for example, problems in the implementation and enforcement of the domestic worker's law, including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were Philippine Overseas Employment Agency contract or temporary workers. Although the agency registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide complete worker protection overseas. The Overseas Worker Welfare Administration provides support to overseas workers in filing grievances against employers via its legal assistance fund. The fund covers administrative costs that would otherwise prevent overseas workers from filing grievance complaints. Covered costs include fees for court typing and translation, visa cancellation, and contract termination.

The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices.

**Informal Sector:** Nearly 40 percent of the country's workforce was in the informal sector. They were covered by labor law but did not receive social benefits similar to workers in the formal economy. The informal sector includes small and microenterprises, agricultural workers, and domestic helpers. The government's *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers* program is a community-based package which provided short-term emergency employment to displaced, underemployed, informal-sector workers.